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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,371	09/26/2001	William J. Beyda	2001P17795US	6410

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02/06/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,371

Applicant(s)

BEYDA, WILLIAM J.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 11-24 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 4, 7-9, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut (US PAT: 6,636,489) in view of Lipsit (US PAT: 5,956,636).

Regarding claim 1, Fingerhut discloses a telecommunication system, comprising: a central control center (14, fig. 4) maintaining a central database (17, fig. 4) of users and database of a pre-activation information, i.e., a database of network (col. 4 line 41), a plurality of local switches (10, fig. 4), adapted to detect a power-on of a cellular telephone (5, fig. 4 col. 3 lines 36-41), activate the cellular telephone at a local switch (col. 4 lines 32-65) and forward activation information to the central database (col. 4 lines 64-68).

Fingerhut differs from claim 1 in that he does not teach the following: local switch including one or more database of pre-activation information and access one or more databases of pre-activation information, activating the cellular telephone in responsive to information contained in the pre-activation database.

However, Lipsit teaches the following: local switch (36, fig. 1) including one or more database (44, fig. 1) of pre-activation information and access one or more databases of pre-activation information, activating the cellular telephone in responsive to information contained in the pre-activation database (col. 7, line 9 – col. 8, line 19).

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databases of pre-activation information, activating the cellular telephone in responsive to information contained in the pre-activation database (col. 7, line 9 – col. 8, line 19).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Fingerhut's system to provide for the following: local switch including one or more database of pre-activation information and access one or more databases of pre-activation information, activating the cellular telephone in responsive to information contained in the pre-activation database as this method would provide another arrangement for activating a cellular telephone as taught by Lipsit, thus providing an alternative arrangement for activating a cellular telephone.

Regarding claim 2, Fingerhut discloses the central control center being adapted to receive the pre-activation information from a point of sale, i.e., a manufacturer (col. 4 lines 39-42).

Regarding claim 3, Fingerhut discloses the central control center (14, fig. 4) being adapted to propagate the pre-activation information to the plurality of switches (10, fig. 4; col. 5 lines 6-10 and lines 46-51).

Regarding claim 7, the limitations are rejected for the same reasons as set forth in rejection of claim 1.

Regarding claim 8, the limitations of the claim are rejected for the same reasons as set forth in the rejection of claim 2.

Regarding rejection of claim 9, the limitations of claim are rejected for the same reasons as set forth in the rejection of claim 3.

Fingerhut differs from claim 4 in that he does not teach the following: activation information comprises a valid password.

However, Lipsit teaches the following: Lipsit teaches to transmit an indication to other communication switches in a network when a security code, i.e., password is valid (col. 7 lines 9-38).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Fingerhut's system to provide for the following: activation information comprises a valid password, as per teaching of Lipsit, in order to improve the verification process in a secure manner by utilizing the password to ensure the ordering customer is same as the recipient of non-activated wireless device.

Regarding claim 10, the limitations of the claim are rejected for the same reasons as set forth in the rejection of claim 4.

3. Claims 5-6, 11-12, 13-24 are allowed.

Response to Arguments

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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